

IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF WISCONSIN

TIMOTHY UPCHURCH,

Plaintiff,

v.

3:19-cv-165-wmc

TIMOTHY O'BRIEN, *et al.*,

Defendants.

PARTIAL RESPONSE TO COURT ORDER

To: Clerk of Court

By order filed August 16, 2021 (Dkt. 82), the Court ordered undersigned counsel, *inter alia*, to deposit with the clerk's office the funds plaintiff Upchurch paid counsel for his services. (Dkt. 82 at 24).

First of all, plaintiff paid counsel \$10,000 for his services. (During a computer crash in July 2020, counsel lost all digital records of these payments and the hard copies are in Mr. Upchurch's possession.)

Now, considering counsel has no way of coming up with this lump sum anytime soon, it is appropriate for further relevant disclosures to be made.

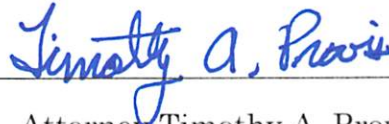
Mr. Upchurch has sued counsel for this amount in small claims court in Ozaukee County No. 2021 SC 420. He has fired his counsel but this is irrelevant as undersigned counsel takes responsibility for his mistake and is not putting up any defense. Judgment in Mr. Upchurch's favor is expected in about 2 weeks.

Counsel's practice is concentrated on criminal appeals, see <http://www.dealsonappeals.net>, representing middle class or indigent clients. It is extremely rare for counsel to maintain a balance of as much as \$5,000 in either his personal or business account. So, if the Court insists counsel give priority to payments to the Clerk rather than Mr. Upchurch, plaintiff will be waiting many months for any remuneration. Counsel believes this is unfair.

Finally, counsel notes the IRS has a tax lien against counsel's income from appointed criminal appeals which will not be satisfied for several months. (Counsel does murder appeals almost exclusively.)

Dated: September 14, 2021

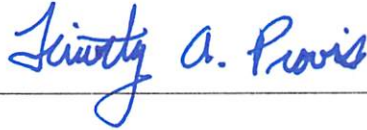
Respectfully submitted,

A handwritten signature in blue ink, reading "Timothy A. Provis", is written over a horizontal line.

Attorney Timothy A. Provis

Wis. Bar No. 1020123

I declare under penalty of perjury, pursuant to 28 U.S.C. §1746, the foregoing is true and correct. Executed this fourteenth day of September, 2021 at Port Washington, Wisconsin.

A handwritten signature in blue ink, reading "Timothy A. Provis", is written over a horizontal line.